

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
AT LAW AND IN ADMIRALTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

APPROXIMATELY \$35,044.00 IN UNITED
STATES CURRENCY,

Defendant.

VERIFIED COMPLAINT FOR CIVIL FORFEITURE IN REM

The United States of America, by its attorneys, Matthew D. Krueger, United States Attorney for the Eastern District of Wisconsin, and Scott J. Campbell, Assistant United States Attorney for this district, alleges the following in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

Nature of the Action

1. This is a civil action to forfeit property to the United States of America for violations of 21 U.S.C. § 841(a)(1).

The Defendant In Rem

2. The defendant property, approximately \$35,044.00 in United States currency, was seized on or about August 29, 2018, from Isiah Joiner at or near 3XXX N. 33rd Street, Milwaukee, Wisconsin. The defendant property is presently in the custody of the United States Marshal Service in Milwaukee, Wisconsin.

Jurisdiction and Venue

3. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. § 1355(b).

5. Venue is proper in this district under 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district.

Basis for Forfeiture

6. The defendant property, approximately \$35,044.00 in United States currency, is subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6) because it was used or intended to be used in exchange for controlled substances, represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate a violation of 21 U.S.C. § 841(a)(1).

Facts

7. Heroin is a Schedule I controlled substance under 21 U.S.C. § 812.

8. Fentanyl is a Schedule II controlled substance under 21 U.S.C. § 812.

June 7, 2017 motor vehicle collision involving Isiah Joiner

9. On June 7, 2017, at approximately 1:20 a.m., Milwaukee Police officers were dispatched to a motor vehicle accident with person injuries near the intersection of N. 27th Street and W. Locust Street in Milwaukee, Wisconsin.

10. At the scene, officers interviewed Isiah Joiner, the driver of one of the two vehicles involved in the accident. Isiah Joiner was the sole occupant and owner of that vehicle.

11. Isiah Joiner was transported to a local hospital for medical treatment.

12. Officers conducted an inventory search of Isiah Joiner's vehicle.
13. Inside Isiah Joiner's vehicle on June 7, 2017, were the following:
 - A. A loaded firearm with one bullet in the chamber and 20 bullets in the extended magazine.
 - B. A bag containing about 17 individual smaller baggies of heroin, with a total weight of approximately 5.07 grams of heroin.
 - C. Approximately \$1,242 in United States currency, which is not the defendant property in this case.

Isiah Joiner's 2017 state drug charges

14. On or about June 20, 2017, Isiah Joiner was charged in Milwaukee County Circuit Court, Case No. 17CF2743, with possession of heroin with intent to deliver for the June 7, 2017 offense.

15. On or about January 3, 2018, in Case No. 17CF2743, Isiah Joiner pleaded guilty to possession of narcotic drugs, a felony offense.

16. On or about January 31, 2018, at the sentencing hearing in Case No. 17CF2743, Isiah Joiner was sentenced to two years of probation.

17. At the sentencing hearing, the Court also ordered, among other things, that Isiah Joiner was not to possess a controlled substance without a valid prescription, was not to possess more than \$500 in cash, was not to possess more than one cell phone, and was not to possess firearms, ammunition, or magazines.

August 29, 2018 arrest of Isiah Joiner

18. On one or more occasions in at least May 2018, July 2018, and August 2018, Isiah Joiner conducted drug transactions from his Mazda vehicle bearing Wisconsin license plate number ABR5XXX (the "Mazda").

19. On August 29, 2018, officers arrested Isiah Joiner while he was parked in his Mazda in the area of 1900 S. 37th Street, Milwaukee, Wisconsin.

20. Inside Isiah Joiner's Mazda at the time of his arrest were the following:
- A. A bag containing about 64 individual smaller baggies, each containing a substance of heroin and fentanyl, with a total weight of approximately 19.44 grams of heroin and fentanyl.
 - B. A total of \$943 in United States currency, which is not included in the defendant property in this case and was returned to Isiah Joiner.
 - C. Two cell phones – one being the phone that Isiah Joiner used to arrange his drug transactions, having a telephone number of 414-759-4XXX (“drug phone”), and the other being Isiah Joiner's personal phone.
 - D. Identifiers and an insurance card in the name of Isiah Joiner.

August 29, 2018 execution of search warrant at Isiah Joiner's residence

21. On August 29, 2018, after Isiah Joiner's arrest, officers executed a search warrant at the residence of Isiah Joiner, 3XXX N. 33rd Street, Milwaukee, Wisconsin (“Joiner residence”).

22. Present at the Joiner residence during execution of the search warrant were Isiah Joiner's twin brother and two minor children.

23. Below are some of the items inside Isiah Joiner's bedroom on August 29, 2018.

- A. Approximately \$35,044 in United States currency was in the dresser, which currency is the defendant property in this case.
 - i. A drug dog alerted to the dresser before officers found the \$35,044.
 - ii. The \$35,044 was in the top right drawer of the dresser and on the floor of the dresser after all the drawers had been pulled out.
 - iii. Denominations of the \$35,044 were 75-\$100 bills, 176-\$50 bills, 909-\$20 bills, 1-\$2 bill, and 562-\$1 bills.
- B. On an end table next to the bed were two digital scales, razor blades, a box of baggies, and an iPad tablet with heroin residue.
- C. A third digital scale was in a dresser drawer.
- D. A fourth digital scale was in a shoe box.

- E. Two 40-caliber magazines and a total of about 17 rounds of ammunition were in a dresser drawer.
- F. Identifiers and insurance documents in the name of Isiah Joiner were in dresser drawers.

August 29, 2018 mirandized statement of Isiah Joiner

- 24. On August 29, 2018, Isiah Joiner was mirandized and agreed to speak with officers.
- 25. In a recorded statement, Isiah Joiner (“Joiner”) stated the following:
 - A. Joiner is unemployed and lives at the Joiner residence.
 - B. Joiner had about 20 grams of heroin in his Mazda on August 29, 2018.
 - i. Joiner is the only person who drives the Mazda.
 - ii. The heroin was packaged in about 0.3 gram corner tears, and Joiner intended to sell the corner cuts for \$30 each.
 - C. Joiner makes decent money from selling heroin.
 - D. Joiner has about eight heroin customers, who usually call him to set up drug deals but sometimes text Joiner’s “drug phone.”
 - E. Joiner has been selling heroin for about two years.
 - F. Heroin is the only drug Joiner sells.
 - G. Joiner normally picked up 25 grams of heroin for \$2,000 from his supplier twice per week. The most Joiner picked up at one time was 100 grams for \$8,000.
 - H. Joiner would sell 25 grams of heroin in about two and one-half days.
 - I. Joiner paid \$80-\$85 per gram for the heroin and made around \$20 profit per gram.
 - J. Joiner had a “drug phone” and a personal phone in his Mazda on August 29, 2018.
 - K. Joiner typically conducted his drug deals from his car.
 - L. Joiner used an old iPad for his table to cut drugs in his bedroom.

- M. No one else in the Joiner residence sold heroin.
- N. When asked about money in the Joiner residence, initially Joiner only said that he had a big piggy bank with coins and had about \$1,000 in his top dresser drawer.
- O. When an officer confronted Joiner about other money found at the Joiner residence, Joiner then admitted that he had about \$34,000 under his dresser.
 - i. The money was proceeds he had been saving over two years.
 - ii. Joiner was hoping police would not find the money.
 - iii. Joiner put all his profits, which was about \$500 from every 25 grams of heroin, underneath the dresser.
 - iv. Joiner agreed that he made approximately \$52,000 a year off selling drugs since he profited about \$1,000 per week.
- P. Joiner is currently on probation for possession of heroin.
- Q. After Joiner was arrested last year, he took about six months off from dealing drugs but went back because he needed money.

Isiah Joiner's 2018 state drug charges

- 26. On September 18, 2018, Isiah Joiner was charged in Milwaukee County Circuit Court, Case No. 18CF4436, with possession of heroin with intent to deliver.
- 27. On February 5, 2019, Isiah Joiner pleaded guilty in Case No. 18CF4436 to possession of heroin with intent to deliver.
- 28. A sentencing hearing is scheduled for March 6, 2019.

Administrative Forfeiture Proceedings

- 29. The Drug Enforcement Administration ("DEA") began administrative forfeiture proceedings on the approximately \$35,044.00 in United States currency as money that was used or intended to be used in exchange for controlled substances or was proceeds of trafficking in controlled substances.

30. On or about November 20, 2018, Isiah Joiner filed a claim to the defendant property, approximately \$35,044.00 in United States currency, with the DEA in the administrative forfeiture proceedings.

Warrant for Arrest In Rem

31. Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the defendant property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

Claims for Relief

32. The plaintiff alleges and incorporates by reference the paragraphs above.

33. By the foregoing and other acts, the defendant property, approximately \$35,044.00 in United States currency, was used or intended to be used in exchange for controlled substances, represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate a violation of 21 U.S.C. § 841(a)(1).

34. The defendant approximately \$35,044.00 in United States currency is therefore subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States of America prays that a warrant of arrest for the defendant property, approximately \$35,044.00 in United States currency, be issued; that due notice be given to all interested parties to appear and show cause why the forfeiture should not be decreed; that judgment declare the defendant property to be condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and equitable, together with the costs and disbursements of this action.

Dated at Milwaukee, Wisconsin, this 7th day of February, 2019.

Respectfully submitted,

MATTHEW D. KRUEGER
United States Attorney

By: s/SCOTT J. CAMPBELL
SCOTT J. CAMPBELL
Assistant United States Attorney
Scott J. Campbell Bar Number: 1017721
Attorney for Plaintiff
Office of the United States Attorney
Eastern District of Wisconsin
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Milwaukee, Wisconsin 53202
Telephone: (414) 297-1700
Fax: (414) 297-1738
E-Mail: scott.campbell@usdoj.gov

Verification

I, Nick T. Stachula, hereby verify and declare under penalty of perjury that I am a Task Force Officer with the High-Intensity Drug Trafficking Area (HIDTA) in Milwaukee, that I have read the foregoing Verified Complaint for Civil Forfeiture *in rem* and know the contents thereof, and that the factual matters contained in paragraphs 7 through 28 of the Verified Complaint are true to my own knowledge.

The sources of my knowledge and information are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Task Force Officer with HIDTA.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Date: 2/6/19

s/NICK T. STACHULA
Nick T. Stachula
Task Force Officer

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

Place an "X" in the appropriate box: ☐ Green Bay Division ☒ Milwaukee Division

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Scott J. Campbell, AUSA
US Attorney's Office, #530 Federal Building
517 E. Wisconsin Avenue, Milwaukee, WI 53202 (414-297-1700)

DEFENDANTS

APPROXIMATELY \$35,044.00 IN UNITED STATES CURRENCY

County of Residence of First Listed Defendant Milwaukee

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIW W (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
21 USC § 881(a)(6)

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

02/07/2019

s/SCOTT J. CAMPBELL

FOR OFFICE USE ONLY

RECEIPT #

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
AT LAW AND IN ADMIRALTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

APPROXIMATELY \$35,044.00 IN UNITED
STATES CURRENCY,

Defendant.

WARRANT FOR ARREST IN REM

To: THE UNITED STATES MARSHAL
Eastern District of Wisconsin

WHEREAS, a Verified Complaint for Civil Forfeiture *in rem* was filed on the 7th day of February, 2019, by the United States Attorney for the Eastern District of Wisconsin, which seeks the forfeiture of the above-named defendant property pursuant to Title 21, United States Code, Section 881(a)(6), and which prays that process issue to enforce the forfeiture and to give notice to all interested parties to appear before the court and show cause why the forfeiture should not be decreed; and due proceedings being had, that the defendant property be condemned and forfeited to the use of the United States of America.

YOU ARE THEREFORE HEREBY COMMANDED to attach and arrest the defendant property, approximately \$35,044.00 in United States currency, which was seized on or about August 29, 2018, from Isiah Joiner at or near 3XXX N. 33rd Street, Milwaukee, Wisconsin, and which is presently in the custody of the United States Marshal Service in Milwaukee, Wisconsin, in the Eastern District of Wisconsin, and to detain the same until further order of this Court.

Dated this ____ day of _____, 2019, at Milwaukee, Wisconsin.

STEPHEN C. DRIES
Clerk of Court

By:

Deputy Clerk

Return

This warrant was received and executed with the arrest of the above-named defendant.

Date warrant received: _____

Date warrant executed: _____

Name and title of arresting officer: _____

Signature of arresting officer: _____

Date: _____